

Ventura County Enforcement Work Plan for 2009/2011

Resources Pesticide Use Enforcement (all estimates are on an annual basis)

❖ Personnel

- 15 full time senior inspectors-@39%=5.5 inspectors
- 1 full time supervising inspector-@39%= 1/3 supervisor
- 1 deputy commissioner-@100%
- 1 clerical position-@100%

❖ Man hours available to the Pesticide Enforcement Program (per annum)

- Approximately 9000 hours are available for pesticide use inspector hours
- 1350 hours for management and 600 for supervision
- 1800 clerical hours which includes hours spent doing data entry for pesticide use reports.
- This is up at least 1/2 inspector from the 2006/2008 workplan due to the fact that we filled all of our empty inspector positions.

❖ Assets:

- Each inspector has a vehicle for his/her exclusive use
- We have eight terminals available for issuing permits
- All of our inspectors have access to email on any terminal and our clerical position has email access

We have one office open in Santa Paula- our Camarillo District Office closed in 2004 at which time we lost two inspector positions and two clerical positions. We have been able to reclaim the two inspector positions in the 2006-2007 budget year. We filled both positions with Inspector trainees.

In early 2008 we had a Senior Inspector retire and have since filled that position with an Inspector trainee. We also filled the vacant position left open by the Senior Inspector that became the new Pesticide Use Deputy with an Inspector trainee.

We will have one of our Supervising Inspector/Biologist retire in January 2010. We anticipate to promote someone from within our Senior Inspector ranks to fill his position. This will leave a vacancy in the Inspector ranks and budget willing we will be able to fill that position.

❖ Expected Workload-Restricted Materials Permitting

- Restricted Materials Permits-750
- Operator I.D.s-475
- Notices of Intent-4400
- Total part b sites-8000
- Total permits issued for fumigation-100
- We expect that our workload will increase in the area of permit issuance for the following reasons
 - ✓ increasing regulations for field fumigation (VOC's) with Methyl Bromide and all other fumigants
 - ✓ increase in Inspectors time to review and ensure permitted sites have updated computer generated maps
 - ✓ increase in Inspectors time to evaluate and determine if the Permittee has considered all feasible alternatives to his requested pesticides.
 - ✓ The acreage in Ventura County which is dedicated to field grown nursery stock and cut flowers continues to increase
 - ✓ We commonly have residences and other sensitive areas in or near the buffer zones. There are over 90 schools in Ventura County within ½ mile of conventional agriculture plus 29 schools adjacent to conventional agriculture.

❖ Corrective Actions

- We had difficulty in completing 5% of site identifications of permits or NOI's. For this coming year with a full staff of Inspectors that have been trained in PUE office procedures, this will give us more of an opportunity to meet the requirements of 3CCR Section 6436.
- Since Ventura County was required to meet the new VOC regulations which were implemented in 2008 we were unable to generate as many field fumigation inspections, Field Worker Safety Inspections and more Structural Branch 1 Inspections.

The implementation of the new VOC regulations has required training of our staff, the pest control businesses and the growers to meet the new requirements. This has dramatically increased the amount of time our Inspectors need to issue permits, issue and review worksite plans, review NOI's and document VOC data. The Inspectors time spent on PUE office related duties has increased by 400%.

Because implementation of the VOC regulations make it necessary to retain more inspectors in the office we are unable to complete the number of field fumigations that originally intended. Without additional financial assistance from DPR we are unable to hire another inspector specifically for office duty.

We also had problems in meeting our target goal for Field Worker Safety Inspections. This seems to be a problem with us not only because of our PUE office workload but also because of the need for bilingual assistance.

Our single bilingual inspector in the department is needed in all programs of the department. Working in our PUE program, he is not only needed for completing the bulk of the Field Worker Safety Inspections but he is also needed to either conduct or assist in the Pesticide Illness Investigations. We have had an increase in Illness Investigations in the last two years and the majority of these involve people whose first language is Spanish. In order to do a thorough investigation in the required amount of time the ability to speak Spanish is definitely needed.

We have refocused the bilingual Inspector to work primarily in PUE. In addition

- our PUE Deputy, who is bilingual, is available to assist in the office and in the field when there is a need for a bilingual capacity.
- Our newly appointed CAC is bilingual
- We are currently seeking a bilingual Office Assistant II to replace the current employee who is retiring.

DPR will be having a training class, “Breaking Barriers”, sometime in Spring 2009. This is not the answer to our Spanish language workload problem, but at least it’s a start. What we really need are more bilingual Inspectors.

We currently have a recruitment active for an inspector that is required to be bilingual. These new hires will hopefully spend the majority of their time in Pesticide Use Enforcement.

Description of Core Activities- Restricted Materials Permitting

❖ Site Monitoring

- We have mapped greater than 75% of our crop layer. Inspectors have access to those layers, to make sure that the maps provided by the grower or generated for the grower by our office identify all sensitive areas. Buffer zones for the fumigants are checked with the GIS layer for accuracy.

- The majority of the irrigated agriculture in the county of Ventura has been aerially photographed at one foot resolution. Some areas in and near the cities have been aerially photographed at 6 inches. These aerial views are available to our PUE staff at the time of permit issuance via a program called Web GIS. This makes identification of sensitive areas quite transparent.
- Our PUE staff has extensive historical knowledge of the areas that have generated complaints in the past. Those areas are targeted for Presite inspections when aerial applications are made. When the grower comes in for his worksite plan for Methyl Bromide or for a permit for another fumigant the biologist goes out into the field and verifies buffer areas adjacent to sensitive areas and other areas where complaints have been received in the past. In addition to working with the GIS layer, we have hand held laser measuring devices which allow very accurate verification of distances to sensitive sites.
- When aerial or ground applications of non-restricted materials occur next to sites where we have had complaints, applicators commonly call our office for an inspector to be present during the application.
- Targeted sites for presite inspection are those where a restricted fumigant is used within 500 feet of a sensitive area. Buffer zones for Methyl Bromide in such areas are set by permit condition at no less than 100 feet for parcels 5 acres or less and 200 feet for parcels 5 acres or greater. This exceeds, in many cases, the buffer zones specified in the code.
- Fumigations adjacent to schools may not be conducted within ¼ mile of the school while school is in session. This exceeds the state standard of 300 feet for Methyl Bromide fumigations.
 - “adjacent” is defined in our permit conditions as directly adjacent, across the street or within 300 feet with no intervening use.

❖ Hazard Evaluation

- Permit applicants and applicants for Operator IDs make an appointment annually to renew their permit or OP-ID
- Inspector trainees work with one of the senior biologists and their paperwork is reviewed by that biologist. Subsequently all permits are evaluated by the Supervising Inspector.
- Ventura County permit conditions specify that no field fumigation shall take place when the adverse inversion conditions exist. The CAC utilizes the service of a meteorologist to forecast inversion conditions. We are the only county in the state that does this.
- Various SOAR (Save Our Agricultural Resources) ordinances cover all of Ventura County and each of the cities within the county, except for Ojai, which has it's own growth restrictions and Port Hueneme, which is entirely surrounded by the city of Oxnard. These ordinances assure that

all new proposed developments which might affect production agriculture are reviewed by the Agricultural Commissioner through the Agricultural Policy Advisory Committee (APAC) prior to approval. The Agricultural Policy Advisory Committee is composed of five growers, one appointed by each County Supervisor which advises the Commissioner on all land use policies that affect agriculture in Ventura County. The Ventura County Agricultural Commissioner employs a land use planner as staff to the APAC. This process assures that there are rarely unidentified sensitive sites adjacent to our agricultural areas.

- The Commissioner with the assistance of the A.P.A.C. and as part of a focused activity in 2002 developed suggested mitigation measures in the form of setbacks and vegetative shelter belts, to mitigate conflicts at the ag/urban interface. These mitigation policies are currently being reviewed by the planning department for possible inclusion in the zoning ordinance.
- When our office receives complaints at the ag/urban interface we work with the applicator and the grower to assure that so far as is possible sensitive sites, in particular schools are notified of impending applications. In many cases an inspector will monitor the application adjacent to a school or residential area. Commercial applicators commonly notify the Commissioner of applications in sensitive areas whether the material is restricted or not.
- Agricultural Commissioner is a member of the Ag Futures Alliance a consensus building group dedicated to a viable and sustainable agricultural industry in Ventura County. As part of her work on the Land Use Subcommittee she is involved in reviewing the General Plan Amendments of the various cities in the county and of the county in general. This helps to assure that the cities are aware of the need to buffer agricultural parcels at the City Urban Restriction Boundary from incompatible uses within the each city's sphere of influence.

❖ Permit Guidance

- Any inspector on our staff can issue an operator identification number, but only our most experienced inspectors issue permits for Methyl Bromide, Telone, Metam Sodium or Chloropicrin field fumigation.
- Many of our small Strawberry growers speak primarily Spanish so we have one Inspector and the PUE Deputy who are bilingual to help issue permits to those growers.
- Our Enforcement Branch Liaison- Ahmed Elhawary observes our Inspectors issuing permits several times a year and he reviews issued permits as part of the evaluation process.
- We are now mapping all Methyl Bromide worksite plans and all Methyl Bromide field fumigations. All worksite plans are submitted to our GIS coordinator and the buffer zones are checked using ArcView 3.2 and WebGis. This has increased the time that it takes to issue a permit for field fumigation by about 300%. At least two and sometimes three people

review the workplan and the buffer zones for accuracy prior to approval of the permit.

- We use a manual for the Restricted Materials Management System developed by Santa Barbara County. The manual was developed in 2004.
- We have also developed Standard Operating Procedures for our office that include standard procedures for issuing permits. We now use the Department of Pesticide Regulation's Statewide Pesticide Use Enforcement Compendium Volume 3- for reference on Permit Conditions and statewide procedures for issuing permits.
- The Pesticide Use Enforcement Staff meets bimonthly to review procedures for pesticide enforcement and permit issuance and to insure consistency with state standards
- In addition to being a member of the Southern Pesticide Deputy Group Ventura County participates in the Central Coast Pesticide Deputy Group- this group focuses on fumigation issues and land use issues at the ag/urban interface. This group, which meets three times a year, helps to insure consistency between those counties who have a significant workload related to fumigant use.

Description of Core Activities-Compliance Monitoring

❖ Priority Investigations-

- In the past two years Ventura County has had six priority investigations. These investigations required interviewing 14-subjects.
- Two of the cases were attempted suicides with pesticides.
- One priority had a pest control company helicopter crashing into the celery field in which it was making an application.
- One case which is still under investigation consists of 10-field workers who sought medical attention for possible exposure of a pesticide from an adjacent field from where they were harvesting.

❖ Pesticide Illness Investigations/Complaints

- In the past two years Ventura County had 35 pesticide illness investigations. These investigations include the interviewing of 38 individuals. These numbers do not include the priority investigations.
- Our incidence of illness investigations has increased, this has put a strain on our staff in PUE and and particularly highlights the need for additional bilingual assistance.
- Investigations that we have completed and complaints that we have investigated have been praised for their thoroughness and completeness, by the Southern Regional Office.
- We have a good working relationship with our District Attorney- Environmental Crimes Division and they have cooperated with us in two investigations in the past five years. One of those investigations resulted

in a \$25,000 fine, and a proposal for legislation carried by Representative HannaBeth Jackson's office.

- We have adopted a new complaint form and all complaints whether pesticide related or not will be logged onto the form and submitted to the supervisor for entry into a database. We are in the process of mapping the complaints on a GIS layer to help us pinpoint sensitive areas.

❖ Inspections

- Strategy- the majority of our inspections will be performed on Methyl bromide, Chloropicrin, Telone/Inline, and Metam Sodium applications.
 - These applications commonly occur between May 1st and October 15th in Strawberries, March 1st to July 1st in colored bell peppers and year round to some extent in nurseries and field grown cut flowers.
 - The majority of 1,3 D is used in Bell Peppers and Fresh Tomatoes. The majority of Methyl Bromide is used in Strawberries and Nurseries. All of the 100% Chloropicrin is used in Strawberries and Metam Sodium is divided between the three crops and is primarily applied through drip irrigation under a tarp, in buffer zones.
 - As a result of consistent enforcement the number of violations having to do with Inner and Outer buffer zone violations in Methyl Bromide fumigation has decreased significantly.
 - Most of the current violations documented on inspections have to do with chemigation or failure to use Personal Protective Equipment.
 - We requested an increase in our overtime budget, to facilitate weekend and after hours inspections. This has allowed us to monitor more pesticide applications that would have otherwise gone undetected. The overall opinion of the Agricultural industry on weekend work is very positive. They feel that it was something that had been needed for some time.
 - In the event of a drift or other pesticide emergency the Commissioner, Chief Deputy and Deputy Commissioners can be contacted to respond, by the County Haz Mat Response Team. The Deputy Commissioner has home retention of the county vehicle for this purpose.
 - Permit conditions require that Notices of Intent for field fumigation be submitted by Friday morning for all proposed applications on Saturday through Monday. This assures that we have the opportunity to do a presite inspection on any proposed Fumigation in a sensitive area, should we wish to.
 - All proposed workplans for Methyl Bromide field fumigation are submitted to our GIS Coordinator for mapping into the GIS layer.

The actual amount of Methyl Bromide used is then entered from the Pesticide Use Report. The Township levels are calculated monthly to make sure that the cap is not exceeded during the fumigation season May-October.

- Strategy- Other inspections

In the past two years we have sent all of our PUE staff to the structural enforcement training given by DPR and the SPCB. We will continue to send our PUE staff to these trainings as they are offered. We now dedicate at least ¼ man year to this activity and we will continue to do so in order to have a regulatory presence and an ongoing relationship with the structural industry.

Our PUE Deputy attends the quarterly PCOC meetings held in the Los Angeles County Agricultural Commissioner's Office where the counties of Los Angeles, Orange, San Diego, and Santa Clara meet with the Structural Industry and discuss the Fumigation Safety Programs in their counties. Ventura County maintains hope that one day our local Structural Industry would push for our inclusion into this program. This would provide us with extra funding to use for Structural Branch one fumigations. Over 50% of the violations noted during structural inspections are at the time of aeration and have to do with inadequate signage or secondary locks. These violations are not reflected in numbers of inspections on the report five as they cannot be counted as complete inspections.

- Inspections of growers doing their own pesticide applications in crops and on rights of way will be done time permitting and when they are encountered by the inspectors in the course of other county business, such as nursery inspection, work in packing houses and other facilities or inspection of direct marketing sites. Failure to provide and use proper Personal Protective Equipment is the second most common cause of violations written.
- We propose Agricultural Civil Penalties for this type of violation almost as often as we do for PPE violations among Pest Control Businesses.
- Field worker safety inspections are done when time permits by our Inspectors, especially our bilingual Inspector. We have documented violations involving decontamination facilities, lack of Hazard Communication information and lack of training.

Strategy- Chemigation Inspections

- We will continue to target chemigation inspections when we have the time and the staff available. We intend on sending our Inspectors to a chemigation training in December 2008 given by San Luis Obispo County and Dr. Husein Ajwa.
- Since we have many chemigation applications in this county we will send our Inspectors to as many chemigation training opportunities that are offered.
- Inline and Metam Sodium are also commonly applied through chemigation and are already targeted for our inspection.

● Strategy-Commodity Fumigation

- We did considerable work in Commodity Fumigation in 2006-2008. The inspector who writes phytosanitary certificates for export strawberries and raspberries noted that the two companies fumigating and exporting berries, were not capable of following the alternate permit conditions for commodity fumigation with regard to the handling of the fumigated commodity. As a result of her diligence, additional monitoring of the facilities was done by a third party after consultation with the Worker Health and Safety Branch to develop mitigation measures for protecting employees who work around the treated commodity. We will continue to monitor this process in 2009/2011, our inspector will monitor the facility for compliance while she is there doing quarantine work. This Inspector will continue to monitor the commodity fumigations and will conduct at least 4 fumigation inspections.

● Review Process

- All inspections are reviewed by the supervising agricultural inspector for completeness and are entered into the ARS database provided by A & K Computers to CACASA.
- New inspectors are trained by our more seasoned staff for a period of about four months. The trainee shadows an experienced Inspector 5-days a week 8-hours a day. This exposes the Inspector trainee to many training scenarios. Depending on the Inspectors advancement in his training it is approximately 4-months until the Inspector trainee conducts an inspection independently.
- EBL Ahmed Elhawary schedules his visits to include going out with the new inspectors. Overview inspections are done to allow our office to see if the new inspectors are doing pesticide use inspections consistently with the state guidelines.

- When discrepancies are discovered the supervising inspector reviews the inspection procedures with the inspector to assure that mistakes are not perpetuated. That inspector's paperwork is then scheduled for additional review by the supervising inspector and by the deputy commissioner.
- When a violation is noted on an inspection a Notice of Violation is generated by the Inspector, and reviewed by the Supervising Inspector. Then a copy is sent to the person inspected if one was not provided at the time of the inspection.
- Inspections with violations noted, along with the Notice of Violation are then forwarded to the Pesticide Use Enforcement Deputy for further action. The Inspector makes a recommendation regarding the fine level. The Inspector keeps a copy of the inspection so that he/she can follow up on any violations that were not corrected at the time of the inspection.
- The inspection, the Notice of Violation and the Civil Penalty Action if any are entered into the Civil Penalty Spreadsheet so that a compliance history can be generated on the company. In the case of grower applications of non-restricted materials there may be no opportunity to conduct a follow up inspection, as these applications may not happen with any frequency.
- The Pesticide Use Enforcement Deputy makes the decision on whether a civil penalty action should be proposed. The Enforcement Response Plan guidelines are followed.
- In general all violations that fall into Class A or B are considered for civil penalty action the first time. In some cases enforcement action is taken on Class C violations the first time.
- The fact that we have never been fully staff and our Inspectors must travel further to do inspections in the areas of Simi Valley, Thousand Oaks and Newberry Park, we do not have any redundant inspections. We have been working on refocusing our energy on field fumigations in concert with implementation of the VOC regulations. We also have been able to provide better training for our staff in this area.

Target Inspection Numbers

- **Our target for Field Fumigations will increase to 40 inspections from the 30 inspections proposed in 2006/2008.** We feel that this number is reasonable because we have only two companies that do the majority of the fumigations. We will also focus on getting more grower applied field fumigations. If we find it impossible to complete this number of field fumigation inspections we will request a renegotiation of this plan..
- **We are decreasing our target for Field Worker Safety Inspections from 60 to 40.** We have only one bilingual Inspector and he has other duties along with PUE. Our workload for issuing permits for field fumigation has increased 300% due to the new VOC regulations and our inspection time in the field has been cut significantly. Record checks of the licensing registration status, and pesticide use records for both Growers and Commercial Applicators are done routinely by our Inspectors. Our most Senior PUE Inspector is mapping field fumigations into the GIS layer. Any other pesticide enforcement work is done by our Inspectors as they find the time between writing phytosanitary certificates, nursery stock certificates, direct marketing inspections, and any other work that comes up. The Deputy Commissioner spends the majority of his time dealing with enforcement. We anticipate as regulations dictate that more and more of our time will be spent in the office due the increase in regulations for fumigations, and increased enforcement due to the Enforcement Response Plan. Our Inspectors will be spending less and less time in the field actually monitoring those applications. As we encounter more repeat violations we anticipate that there will be more licensing actions statewide, increased paperwork, more hearings requested. We anticipate that we will be able to dedicate less and less time to field activities, as the time to deal with each violation encountered increases.

- Our target for other inspections is as follows:

Pre-site Application Inspections		
5% of projected NOI's		218
Application Inspections		
Property Operator		55
Pest Control Business		35
Structural Branch 2 and 3		6
Mix and Load Inspections		
Property Operator		35
Pest Control Business		25
Fumigation		
Field		40
Commodity		4
Structural		35
Fieldworker Safety		40
Employer/Employee		
Headquarters Safety		
Record Inspections		20

WE are adding 20 Records inspections in addition to inspections as followups to investigations and inspections where non-compliances are found. We review pesticide use reports for various businesses and Grower/Operators in conjunction with permit issuance. We issue numerous violations for failure to submit pesticide use reports, failure to register, and failure to retain certain required documents.

Since Pesticide Use Report Data Entry trails applications by about four month. this is one of the only ways that we can effectively monitor possible violations related to county registration, failure to obtain an Operator Identification Number or Restricted Materials Permit, and uses outside of a persons license category.

We have recently upgraded our Restricted Materials Management System to accommodate web submittal of Notices of Intent and Pesticide Use Reports. We anticipate that this will increase the speed of data entry in the 2009/2011 years.

